19 4 /. **File No.** Misc B/47
Part II

Legal **DEPARTMENT**
B **BRANCH**

K

Subject:—

4/
25/10

Miscellaneous Correspondence
dealt in 'B' Branch.

(For previous papers pl. see Pt. I)

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(3)	E.D.No.4885/35-D 5.3.47	Sec.93(1) Notification under	7
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(6)	M.M.P.D.No.P-103 30.11.46	Sec.14 (2) Notification under	13
(7)	C.S.D.No.620/VII 20.2.47	Clause 9 - Notification in persuance of	15
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(10)	C.S.D.No.605/VII 29.3.47	Clause 7 Notification under	21
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(13)	G.R.P.W.D.No.6181/36 4.6.47	Water Board - Creation of a temporary post of an Irrigation Officer in connection with the proposed - for the Bombay Province	27
(14)	G.No.2972/12.6.42	Rule 83(3a)(b) Particulars require regarding the draft order under	29-30
(15)	C.S.D.No.105/22.6.47	Clause 16 Notification in persuance of	31
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(18)	C.S.D. No.518/6.6.47	Cl.10 Notification under	37
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(20)	" 1001-VII 23.4.47	Cl 1(3) Notification in pursuance of	41
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(34)	GC.H.&L.G.D.No.5732/33 18.7.47	Govt. Bresses Curtailment of work in -	69
(35)	G.R.P.W.D.No.8181/36 6.9.47	Water Board Appointment of a Technical Committee in connection with the - for the Bombay Province	71
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B/185. A/1949

NOTIFICATION.
Revenue Department,
Bombay Castle, 1947.

No. .- In exercise of the powers conferred by clause (b) of sub-section (3) of section 241 of the Government of India Act, 1935, the Governor of Bombay is pleased to make the following rules, namely:-

1. (1) These rules may be called the Nasik Government Central Distillery Workmen's Contributory Provident Fund Rules, 1947.

(2) They shall apply to the workmen, on daily paid wages at the Government Central Distillery Nasik Road.

2. There shall be established a contributory provident fund called the Nasik Government Central Distillery Workmen's Contributory Provident Fund with effect from the day of , 1947. The fund shall be regulated by the contributory Provident Fund ~~with effect from~~ Rules (Bombay) subject to the following modifications, namely:-

(i) Every workman who is in receipt of minimum monthly emoluments of Rs.20 or above and who has at least put in three years continuous service shall be required to contribute towards this Fund:-

Provided that a workman drawing monthly emoluments of not less than Rs.10/- but in continuous service at least for three years, may, if he so desires, join the Fund; discharge in the interest of the State or temporary physical unfitness which in the opinion of a competent medical authority is not due to his own neglect or intemperance or irregular habits shall not constitute a break in the continuity of service.

(ii) 'Emoluments' means pay or wages or leave-salary based on the daily basic wages excluding rent, overtime and other compensatory allowances, or any other allowances of a temporary nature.

(iii) The monthly emoluments of a workman paid at the daily rate shall be deemed to be 25 times the rate

of basic daily wage, admissible to him for the first normal working day of the month.

(iv) 'Leave' means any variety of leave admissible under the rules or orders issued by Government

(v) The amount of subscription to the Fund shall be fixed by the subscriber himself and shall be a rate not less than 6¼ per cent (i.e. one anna in the rupee) and not more than 12½ per cent (i.e. two annas in the ruppee) of his monthly emoluments. The contribution of Government shall be only 6¼ per cent of the subscribers emoluments irrespective of the rate at which a workman subscribes to the Fund.

(vi) The provision in the Contributory Provident Fund Rules (Bombay) relating to payment towards Insurance Policies and Family Pension Funds shall not apply to this Fund.

By order of the Governor of Bombay,

Secretary to Government.

Nair

Office of the R.L.A.

From the draft rules proposed by the Revenue Department at pages 41-42 ante, it is not clear whether they are non-statutory or statutory that is to say, under what provision of law, they are intended to be made. From the Government of India, Contributory Provident Fund Rules sanctioned for temporary workmen employed inter alia, at the Security Printing India and other Central Government staff in their Resolution, Finance Department No.F.33(3) R.II/44, dated 16.4.1945 at p.43 it appears that the proposed rules would be non-statutory. If so, it is not the practice of this office to scrutinise non-statutory rules. If, however, any advice on any legal point is required, the Revenue Department may refer the papers to the R.L.A. on that point.

Sd.A.R.Khan
for Remembrancer of Legal Affairs.

U.R. to R.D. No.D-5-No-2039 dt. 26.3.47.

Nair/-

Office of the D.L.A.

A revised draft order in place of the draft orders at pages 31-33 ante is sent herewith. The Home Department should enter in the Schedule to the draft Order the necessary description of the hose a statement of the stocks of which is required by Government.

2. The Home Department draft Orders require the giving of full particulars regarding the stocks of the hose. It is presumed that what H.D. requires is the statement of the stocks the persons in question possess and that no other particulars are required. The draft order also requires the furnishing of the statement of stocks immediately on the receipt of the order. As it may not be practicable to furnish the statement immediately, H.D. may consider whether a suitable date should not be appointed for the furnishing of the statement.

3. Clause (b) of sub-rule (3a) of rule 83 of the Defence of India Rules provides for the making of an order directing that the owner or person in possession of an article or thing shall not without the permission of the Government dispose of it till the expiry of such period as may be specified in the order. Under this provision it will not be possible to direct that the person shall not move or transport the article or thing. The order has been revised so as to make it conform to the language used in the rule.

4. An Additional Under Secretary is also an Under Secretary within the meaning of rule 13 of the Rules of Business. It would therefore be competent for an Additional Under Secretary to sign an order of the Government of Bombay.

5. As rule 83 under which the draft order is to be issued will cease to be operative with effect from 15th May 1942, it will be necessary to serve the order on the persons

concerned before that date.

Sd./-P.N.Menon
Remembrancer of Legal Affairs.

U.R. to H.D.(Special)A.R.P., No.3972, dated the 12th May 1942.

Nair/-